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**COMMUNICATION TO THE COMMISSION**

**ON THE PUBLICATION OF INFORMATION CONCERNING OCCUPATIONAL  
ACTIVITIES OF SENIOR OFFICIALS AFTER LEAVING THE SERVICE  
(ARTICLE 16, FOURTH PARAGRAPH OF THE STAFF REGULATIONS)**

**2023 Annual Report**

## COMMUNICATION TO THE COMMISSION

### ON THE PUBLICATION OF INFORMATION CONCERNING OCCUPATIONAL ACTIVITIES OF SENIOR OFFICIALS AFTER LEAVING THE SERVICE (ARTICLE 16, FOURTH PARAGRAPH OF THE STAFF REGULATIONS)

#### 2023 Annual Report

In line with Article 16 of the Staff Regulations<sup>1</sup>, after leaving the service, officials continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits. Former officials who intend to engage in an occupational activity within 2 years of leaving the service shall inform their former institution of this, in order to enable it to take an appropriate decision in this respect and, when necessary, to forbid an activity or give approval subject to appropriate restrictions.

The third paragraph of Article 16 of the Staff Regulations stipulates that for former senior officials the Appointing Authority shall, in principle, prohibit them, during the 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former institution for their business, clients or employers on matters for which they were responsible during their last 3 years in service.

The fourth paragraph of Article 16 of the Staff Regulations requires each institution, in compliance with the relevant data protection rules<sup>2</sup>, to publish information annually on the implementation of the third paragraph, including a list of the cases assessed.

The Commission details below the criteria it has used to ensure the implementation of its obligation and sets out its analysis. The Commission has provided summary information in relation to the decisions taken under this provision in an annex to this document.

This document is being published in order to meet the Commission's obligation under the fourth paragraph of Article 16 of the Staff Regulations in combination with the relevant data protection rules<sup>3</sup>.

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<sup>1</sup> As last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p. 15).

<sup>2</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

<sup>3</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions,

## **The criteria applied in order to implement the third paragraph of Article 16 of the Staff Regulations**

### Definition of senior officials

In line with the third paragraph of Article 16 of the Staff Regulations, the following categories of staff are concerned:

- Directors-General or Deputy Directors-General (including officials that were called upon to occupy temporarily such posts in accordance with Article 7(2) of the Staff Regulations) and ‘Hors Classe’ Advisors who exercised these functions at any time during the last 3 years before they left the service;
- Directors (including officials that were called upon to occupy temporarily such a post in accordance with Article 7(2) of the Staff Regulations) and Principal Advisers who exercised these functions at any time during the last 3 years before they left the service;
- Heads of Cabinet who exercised this function at any time during the last 3 years before they left the service.

### The decision-making procedure in relation to the third paragraph of Article 16 of the Staff Regulations

The Directorate-General for Human Resources and Security receives the declaration and collects the views of the service(s) in which the former official has worked during the last 3 years of service, the respective cabinet(s), the Secretariat-General, the Legal Service and the Joint Committee. The Appointing Authority takes its final decision based on these different views.

### Occupational activities declared by former senior officials in 2022

In 2022, 11 former senior officials of the Commission declared 16 post-service activities pursuant to Article 16 of the Staff Regulations.

One declared activity concerned a public office appointment in a Member State and therefore fell outside the scope of Article 16 of the Staff Regulations. One declaration lacked details about the activity. This declaration was deemed incomplete and thus not processed. The staff member was requested to send a new declaration, which did not materialise. One decision covered two activities.

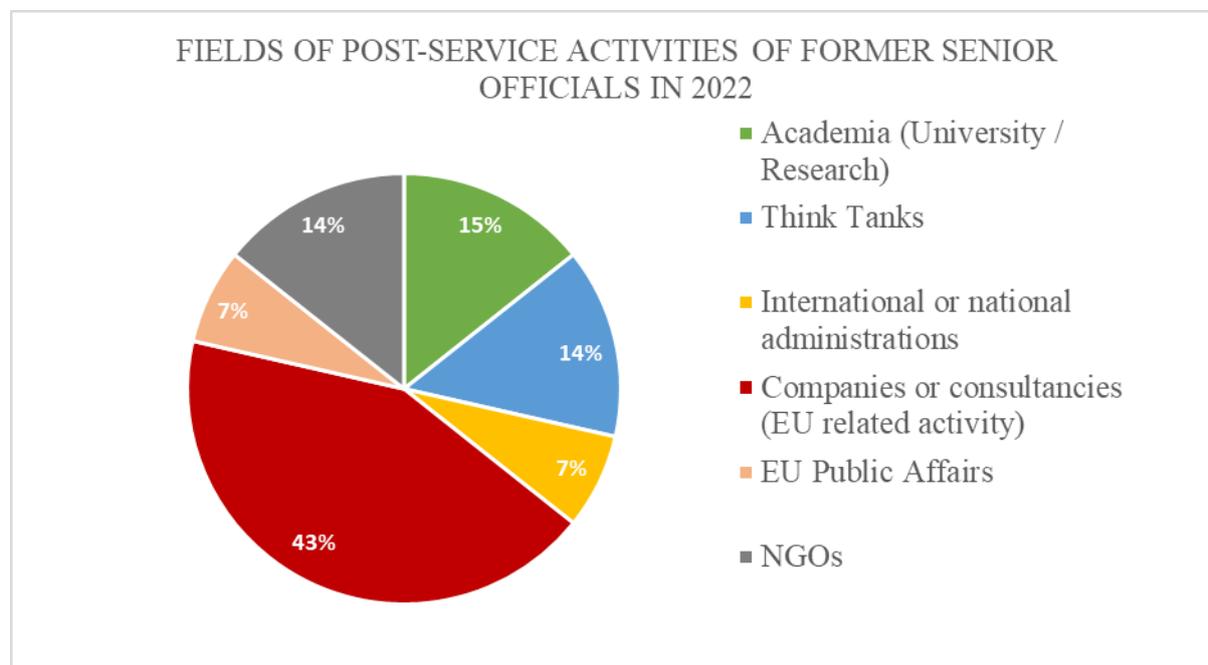
Consequently, the total number of decisions pursuant to Article 16 of the Staff Regulations adopted by the Commission for former senior officials in 2022 amounts to 13 decisions covering 14 post-service activities.

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bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

For the purpose of reporting and statistical analysis over time, the fields covered by the declared post-service activities have been grouped into six different categories.

The pie chart below summarises the occupational activities fields for former senior managers who received a decision by the Appointing Authority in 2022.



### Occupational activities relevant to this Report

The third paragraph of Article 16 of the Staff Regulations covers activities which constitute lobbying or advocacy vis-à-vis staff the former senior official's former institution for their business, client or employers on matters for which they were responsible during their last 3 years in service. Such activities shall in principle be prohibited by the Appointing Authority during the 12 months after leaving the service.

Of the 14 declared post-service activities by former senior officials, nine were carried out outside the relevant 12 months timeframe. Of these nine activities, five were considered to potentially give rise to or entail lobbying or advocacy towards staff in the former senior managers' institution on matters for which they were responsible during their last 3 years in the service.

The Commission did not limit its analysis of the nine declared activities that fell within the temporal scope of the third paragraph of Article 16 of the Staff Regulations to those activities whose only purpose or core purpose would have been lobbying or advocacy. Some declarations related to activities which, even if lobbying or advocacy was excluded at the point in time of the declaration, could, because of their nature, potentially give rise to, or entail, lobbying or advocacy as stated in the third paragraph of Article 16 of the Staff Regulations. In these cases, the Commission decided to broaden its analysis to take account of this potential risk and assess the declared activity within the framework of the third paragraph of Article 16 of the Staff Regulations.

With regard to activities outside the temporal scope of the third paragraph of Article 16 of the Staff Regulations and activities that did not (even potentially) give rise to or entail lobbying or advocacy, the Appointing Authority can and did, where appropriate, impose other restrictions. These included restrictions on professional contacts with former colleagues, obligations not to deal with certain files or requirements in relation to the duties of discretion and confidentiality. These activities do not, however, fall within the scope of this report, which is exclusively based on the reporting obligation set out in the fourth paragraph of Article 16 of the Staff Regulations.

Information provided in the summary of relevant decisions taken by the Appointing Authority in 2022 only covers activities that were declared and actually undertaken. In line with the legal provisions in force, it does not cover declarations received for activities that could not, by their very nature, give rise to or entail lobbying or advocacy.

This is the ninth annual report published by the Commission, in line with its obligations under the fourth paragraph of Article 16 of the Staff Regulations, setting out how it has implemented the third paragraph of Article 16.

### **Analysis**

This report summarises below the four decisions, taken pursuant to the third paragraph of Article 16 of the Staff Regulations, on the post-service activities that were going to be performed within the 12 months after leaving the service.

Furthermore, in 2022, the Appointing Authority took decisions on five post-service activities, which, even if lobbying or advocacy were excluded at the point in time of the declaration, could, because of their nature, potentially give rise to or entail lobbying or advocacy as stated in the third paragraph of Article 16 of the Staff Regulations, in particular in the future. These activities were authorised conditional to the absence of lobbying or advocacy.

## **Summary of relevant Decisions by the Appointing Authority in 2022:**

End of Service: 31 December 2022

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### **CONCERNS**

Mr ALEXIS Alain

Former Director (ad interim) in the Directorate-General for Defence Industry and Space (DG DEFIS)

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### **NEW ACTIVITIES**

Setting up his own consultancy firm

Independent senior expert for AVISA Partners (AVISA) in Brussels

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### **DECISION**

First, Mr Alexis sought authorisation to perform a remunerated occupational activity for an indefinite period, to set up his own consultancy firm in Brussels aiming at providing consultancy and advisory services to public authorities and companies on EU activities, notably on competition, transport, environment, defence, aeronautic or space matters. The services could range from a simple description of the functioning of the Institutions (notably for third country entities) to a more technical support, notably in the field of competition.

Second, Mr Alexis sought authorisation to perform a remunerated occupational activity to provide consultancy services to AVISA as an independent senior expert. His intention was to perform that activity through his own consultancy company, for which he had already obtained a conditionnal authorisation from the Appointing Authority (see above). Mr Alexis was informed that the restrictions and conditions contained in the above-mentioned decision continued to apply and were not affected by the subsequent decision.

The Appointing Authority gave its approval to Mr Alexis to carry out these activities subject to the following conditions:

First activity

- As a former senior manager, according to the third paragraph of Article 16 of the Staff Regulations, during 12 months after leaving the service, Mr Alexis was not allowed to engage in lobbying or advocacy vis-à-vis staff of the Commission on behalf of his clients in the name of his company on matters for which he had been responsible during the last 3 years of service;
- During 2 years after leaving the service, Mr Alexis was not allowed to engage in any professional contacts (including any oral or written contacts) with all staff of DG DEFIS (including its responsible Cabinet) and of other Commission services, which are involved in civil aeronautics, civil space, and/or in defence industry and market funding or policy files, neither on behalf of his company nor on behalf of its clients;
- Regarding the potential clients of his consultancy firm:

- a. Regarding the European Defence Industrial Development Programme (EDIDP), for 2 years after leaving the service he shall not accept as clients, directly or indirectly, any beneficiaries of the European Defence Industrial Development Programme for which he acted as the Responsible Authorising Officer (RAO);
- b. Regarding the European Defence Fund's proposals:
  - i. he shall abstain from signing any contract with final beneficiaries from the European Defence Fund programme as a result of the calls for proposals in which he was involved as Commission official, and this for 2 years after the issuance of the letter of invitation of these beneficiaries to the grant agreement preparation;
  - ii. He shall abstain from signing any contract with the entities in the proposals on the reserve list corresponding to the European Defence Fund calls in which he was involved, and this until all the grant agreements resulting from the calls for proposals in which he was involved have been signed;
  - iii. Should any entity in a proposal on the reserve list end-up becoming a beneficiary, he shall also abstain from signing any contract with that entity for 2 years after the signature of the corresponding grant agreement between the European Commission and that entity.

Mr Alexis was also informed that the authorization was valid for providing services to clients in the name of his future company. It however does not cover situations where his company would be used as legal vehicle to be hired and take up positions in other entities (e.g. a public relation consultancy or a law firm). Such situations would have to be notified and receive separate clearance under Article 16 of the Staff Regulations.

Second activity:

- As a former senior manager, according to the third paragraph of Article 16 of the Staff Regulations, during 12 months after leaving the service, Mr Alexis was not allowed to engage in lobbying or advocacy vis-à-vis staff of the Commission on behalf AVISA or its clients on matters for which he had been responsible during the last 3 years of service;
- During 2 years after leaving the service, Mr Alexis, shall not engage on behalf of AVISA or its clients, in any oral or written professional contacts with all staff of DG DEFIS and with the responsible Cabinet, as well as with other Commission services, which are involved in civil aeronautics, civil space, and/or in defence industry and market funding;
- As regards providing services to clients of AVISA:
  - a. Regarding the European Defence Industrial Development Programme (EDIDP): for 2 years after leaving the service, Mr Alexis shall not accept as clients, indirectly via AVISA, any beneficiaries of the European Defence Industrial Development Programme (EDIDP), for which he acted as the Responsible Authorising Officer (RAO).
  - b. Regarding the EDF's proposals:
    - i. he shall not accept as clients, indirectly via AVISA, beneficiaries from the European Defence Fund programme as a result of the calls for proposals in which he was involved as Commission official, and this for 2 years starting from the signature of the grant agreement;

- ii. he shall abstain from taking as clients via AVISA entities which are listed in the proposals of the reserve list corresponding to the European Defence Fund calls in which he was involved, and this until all the grant agreements resulting from the calls for proposals in which he was involved have been signed;
  - iii. Should any entity in a proposal on the reserve list end-up becoming a beneficiary, he shall also abstain from taking this entity as a client via AVISA for 2 years after the signature of the corresponding grant agreement between the European Commission and that entity.
- c. he shall ensure that he does not provide indirect consultancy services via AVISA to clients falling under the scope of point a. and b. Therefore, he shall be able to verify for each request of AVISA or its clients who is the entity behind the request.
- For both activities Mr Alexis was furthermore required to refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public (Article 17 of the Staff Regulations). In this context, Mr Alexis was required to refrain from exploiting insights of confidential nature in policy or strategy that he might have acquired in the line of duty that had not yet been made public or are not commonly available in the public domain;
- It was underlined to Mr Alexis that, under the first paragraph of Article 16 of the Staff Regulations, he continued to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments and benefits from any new employer or its clients, to avoid any situation that might create a risk of real, potential or perceived conflict of interests. In this context, Mr Alexis was required to refrain from advising or working on behalf of any of his clients on particular files or matters (for example: contracts, grants, cases, claims, investigations, ongoing legislative procedures, in particular in the defence, civil aeronautics and space industry), in which he had participated personally and substantially and that would entail relying upon information received in the line of duty which has not been made public.

Mr Alexis was finally reminded of all other applicable Staff Regulations' provisions.

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End of Service: 30 September 2021

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## **CONCERNS**

Mr BRUNET Philippe

Former Director in the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (GROW)

Former Principal Adviser the Directorate-General for International Partnerships (DG INTPA)

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## **NEW ACTIVITY**

Associated expert at Lysios Public Affairs

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## **DECISION**

Mr Brunet sought authorisation to work as an Associated expert at Lysios Public Affairs to provide support in terms of experience and skills to the Brussels team in the development and implementation of public affairs strategies for the firm's clients in the areas of health, education and space.

The Appointing Authority gave its approval to Mr Brunet to carry out that activity subject to the following conditions:

- As a former senior manager, according to the third paragraph of Article 16 of the Staff Regulations, during 12 months after leaving the service, Mr Brunet was not allowed to engage, on behalf of Lysios Public Affairs or its clients, in lobbying or advocacy vis-à-vis staff of the Commission on matters for which he had been responsible during the last 3 years of service. This notably included the digital and space domain;
- During 2 years after leaving the service, Mr Brunet was required not to enter into any professional oral or written contacts with staff of DG GROW, DG DEFIS and DG INTPA on behalf of Lysios Public Affairs or its clients;
- During 2 years after leaving the service, he shall refrain from participating, directly or indirectly, in the preparation, evaluation or follow-up of applications for EU funds managed by DG INTPA, in particular in applications for funding in the fields of digital and space;
- Mr Brunet was furthermore required to refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public (Article 17 of the Staff Regulations). In this context, Mr Brunet was required to refrain from exploiting insights of confidential nature in policy or strategy that he might have acquired in the line of duty that had not yet been made public or are not commonly available in the public domain.

- It was underlined to Mr Brunet that, under the first paragraph of Article 16 of the Staff Regulations, he continued to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments and benefits from any new employer or its clients. In this context, Mr Brunet was required to refrain from advising or working on behalf of his new employer or its clients on particular files or matters (for example: contracts, grants, cases, claims, investigations, ongoing legislative procedures), in which he had participated personally and substantially and that would entail relying upon information received in the line of duty that has not been made public.

Mr Brunet was finally reminded of all other applicable Staff Regulations' provisions.

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End of Service: 30 June 2022

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## CONCERNS

Mr HUDSON David Matthew

Former Director in the Directorate-General for Health and Food Safety (DG SANTE)

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## NEW ACTIVITY

Self-employed and independent consultant

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## DECISIONS

Mr Hudson sought authorisation to perform a remunerated occupational activity as a self-employed and independent consultant in Brussels, to provide *ad hoc* services to individual clients. He declared that his services would include:

- Mentoring, career development advice and preparation of individuals for interviews;
- Organisational assistance in motivational work with individuals and/or groups, building and developing teams, developing and implementing strategies, managing change and leading or participating in trainings;
- Advice on general European affairs and on working with the EU Institutions; on the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures; and on food safety and health;
- Conferencing, such as animating, chairing panels, leading sessions in conferences or seminars.

The Appointing Authority gave its approval to Mr Hudson subject to the following conditions:

- As a former senior manager, according to the third paragraph of Article 16 of the Staff Regulations, during 12 months after leaving the service, Mr Hudson was not allowed to engage, on behalf of his clients, in lobbying or advocacy vis-à-vis staff of the Commission on matters for which he had been responsible during the last 3 years in the service, notably health and food safety;
- During 24 months after leaving the service, Mr Hudson shall not engage in any professional contacts (including any oral or written contacts) with staff of DG SANTE and with its responsible Cabinet.
- The work performed during the requested activity as independent consultant shall not concern directly or indirectly any open cases and policy files that fell under his responsibility or in which he was involved while working in DG SANTE. That included the prohibition to deal with any files, in which he oversaw the provision of legal advice or technical support on better regulation and, as well, files in which he was involved as member of the senior management team of DG SANTE.

- Regarding his potential clients, he shall comply with the duty to behave with integrity and discretion as regards the acceptance of certain clients in order to avoid casting retroactively doubt on his impartiality while in the service. As a consequence, for 24 months after having left the service, he shall not accept as clients, directly or indirectly, any beneficiaries for which he acted as Authorising Officer by Sub-Delegation (AOSD) or as back-up AOSD.
- Mr Hudson was also required to make it clear to his interlocutors that those activities would be carried out in his personal capacity, not representing in any way the position or interests of the Commission. In this context, he shall refrain from associating his former position at the European Commission with his new role and tasks.;
- Mr Hudson was furthermore required to refrain from any unauthorised disclosure of information received in the line of duty, unless that information had already been made public or is accessible to the public (Article 17 of the Staff Regulations). In this context, Mr Hudson was required to refrain from exploiting insights of confidential nature in policy or strategy that he might have acquired in the line of duty and which have not yet been made public or are not commonly available in the public domain;
- It was underlined to Mr Hudson that, under the first paragraph of Article 16 of the Staff Regulations, he continued to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments and benefits from any new employer or its clients. In this context, Mr Hudson was required to refrain from advising or working on behalf of his clients on particular files or matters (for example: contracts, grants, cases, claims, investigations, ongoing legislative procedures, etc, in particular in the field of health and food safety), in which he had participated personally and substantially and that would entail relying upon information received in the line of duty which has not been made public.

Mr Hudson was informed that authorisation was valid for providing services to clients as a self-employed independent, in his private capacity. It does not cover situations where he would use his statute of a self-employed independent as a legal vehicle to be hired and take up positions in other entities (e.g. to join the “health practice” in a public relation consultancy or a law firm). Furthermore, it does not cover his potential participation in conferences and seminars, as mentioned in his declaration. Such situations would have to be notified and receive separate authorisation under Article 16 of the Staff Regulations.

Mr Hudson was also reminded of all other applicable Staff Regulations’ provisions.